

MAR - 5 2008

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN

FILED  
THERESA M. OWENS, CLERK  
CASE #

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PAINTERS UNION LOCAL 802  
HEALTH AND WELFARE FUND,  
PAINTERS UNION LOCAL 802  
RETIREMENT FUND,  
PAINTERS UNION LOCAL 802  
APPRENTICESHIP AND TRAINING FUND,  
INTERNATIONAL PAINTERS & ALLIED  
TRADES DISTRICT COUNCIL NO. 7 DUES FUND,  
and MARK GROTE, PETER BRAUN,  
ROB NOYCE, JEFF MEHRHOFF,  
STEPHEN ARMBRECHT and JOHN JORGENSEN,  
in their capacities as Trustees of THE FUNDS,

Plaintiffs,

vs.

Case No. 07-C-0730S

DECORATING UNLIMITED, INC.,

Defendant.

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ORDER FOR PARTIAL JUDGMENT  
AND INJUNCTIVE RELIEF

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A motion for default judgment with supporting pleadings having being brought by the plaintiffs in the above-captioned action were submitted to the court and filed with the Clerk.

The court, having duly heard all issues and a decision having been duly rendered, orders as follows:

1. Defendant Decorating Unlimited, Inc. has failed to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure and controlling case law in the Seventh Circuit.

2. Defendant Decorating Unlimited, Inc. violated the Labor Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreement by failing to pay fringe benefit contributions on behalf of its employees to the plaintiff Funds on a timely basis, failing to submit monthly remittance reports to the plaintiff Funds, and failing to submit to an audit of the company's books and records by the plaintiff Funds' designated representative covering the period June 1, 2007 to the present date.

3. The court will assess damages at a later date in favor of the plaintiffs in accordance with federal law.

**IT IS HEREBY ORDERED:**

(a) That the Clerk of Court is directed to enter judgment in favor of plaintiffs Painters Union Local 802 Health & Welfare Fund, Painters Union Local 802 Retirement Fund, Painters union Local 802 Apprenticeship and Training Fund, International Painters & Allied Trades District Council No. 7 Dues Fund, and Mark Grote, Peter Braun, Rob Noyce, Jeff Mehrhoff, Stephen Armbrrecht and John Jorgensen, in their capacities as Trustees of The Funds, and against defendant Decorating Unlimited, Inc.

(b) That the defendant Decorating Unlimited, Inc. is to submit within twenty-one (21) days of the date of this order to an audit of its books and records by the

plaintiff Funds' designated representative covering the period June 1, 2007 to the date of entry of this order;

(c) That the results of said audit shall be submitted to the court within twenty-one (21) days of the completion of the audit, and the Clerk of Court shall amend the partial judgment in favor of the plaintiff Funds to include all contributions, interest and liquidated damages, plus reasonable attorney's fees and costs of prosecution advanced, due the plaintiff Funds as reported by the auditor and legal counsel, to be submitted to the Clerk in the form of an affidavit.

Dated this 5<sup>th</sup> day of March, 2008.

Barbara B. Crabb  
U.S. DISTRICT JUDGE